



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 12/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.6790 of 2019

1. C.Simson
2. S.Jayachitra

... Petitioners/Accused Nos.
1 and 2

Vs

State represent by
The Inspector of Police,
District Crime Branch,
Thanjavur District.
Cr.No.21 of 2018.

... Respondent/Complainant

S.Sivakumar

... Petitioner/Intervener

For Petitioners : M/s.M.Jothi Basu,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Govt.Advocate (Crl.Side)

For Intervener :Mr.R.Maheswaran, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.438 Cr.P.C

PRAYER :-

For anticipatory bail in cr.no.21 of 2018 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 406, 417, 465, 468, 471 and 120 (B) of IPC, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have been falsely implicated in the above case. He further submitted that in respect of the same allegations, already one FIR was



registered in Crime No.11 of 2015 on the file of the District Crime Branch, Virudhunagar District and in that case, the first petitioner was arrested and subsequently he was released on bail and the second petitioner moved anticipatory bail application before this Court in CrI.O.P.(MD) No.22357 of 2018, in which, this Court has granted anticipatory bail on condition that the second petitioner shall deposit a sum of Rs.1,93,000/- before the concerned jurisdictional Magistrate Court and accordingly, the second petitioner has deposited the said amount and went on bail. He further submitted that on the same allegations, the present FIR has been registered and the same is not permissible under law and therefore, he prayed for granting anticipatory bail to the petitioners.

4.The learned counsel appearing for the intervenor/de-facto complainant has submitted that the previous FIR was registered on different allegations and the present FIR is no way connected with the previous FIR. He further submitted that since the petitioners herein have received a sum of Rs.14,99,000/- from the de-facto complainant and other persons by giving a false promise that they will make an arrangement for getting jobs in bank, but, subsequently they did not make any arrangement for the job and therefore, he strongly opposed this petition.

5.Per contra, the learned Government Advocate (CrI. side) has submitted that the present FIR is in no way connected with the previous FIR and therefore, she strongly opposed this petition.

6.The allegation as to whether in respect of the same allegation, previous FIR was registered cannot be decided in this case. However, taking into consideration of the rival submissions, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kumbakonam, on condition that each of them shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) before the concerned Magistrate and the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.



[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/06/2019

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Sub-Assistant Registrar (C.S-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.The Judicial Magistrate No.I, Kumbakonam.
- 2.Do-Through The Chief Judicial Magistrate,
Thanjore District.
- 3.The Inspector of Police,
District Crime Branch,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-9541[I] dated 13/06/2019)

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-9591[I] dated 13/06/2019)

ORDER
IN
CRL OP(MD) No.6790 of 2019
Date : 12/06/2019

sjj
TK/PN/SAR.2/18.06.2019/3P/7C